9: Kinietz E-4, 5 (1938) 1946
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Justice

246. Use of force by creditor

J. W. said that a creditor or victim of a theft did not use force himself to get restitution but applied to the chief. Failing restitution, the chief appointed a man to punish the offender by whipping. On a second or third offense, the chief appointed two men who tied offender to a tree and whipped him with twelve sticks, using one at a time until all were broken. Whipped him to death, was J. W.'s way of putting it. This he was quite sure was the punishment formerly used. Rape was also punished in the same way. 685 686

247. Redress of civil injuries

Roger Williams said force was used for restitution in case of theft involving different tribes. 681

254. Amount of wampum paid by murderer

Zeisberger said one hundred fathoms of wampum for the murder of a man and two hundred for that of a woman. A person who murdered a relative usually went free. 681 682

John Johnston reported that two hundred fathoms was the amount necessary to close the breach on the first offense, no amount being satisfactory for later offenses of this nature.

Captain Pipe—If a murder is committed the friends and relatives of the murderer collect by their own means and the contributions of others a quantity of wampum, which they deposit with the Chief of their own tribe from time to time until the stock amounts to an hundred and twenty fathoms if the murdered person be a man or an hundred and thirty fathoms if a woman. When this is effected the Chiefs call a council at which the nation, or as many as are so inclined, with the friends of the deceased and the murderer assemble. Here, after a few remarks by way of consolation to the afflicted relatives the acceptance of the wampum is proposed to them, and if they refuse eight fathoms are added to it and the presentation is repeated. If they persist in their refusal eight fathoms more are added and should they still reject the offer the connexions of the murderer [696]